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**To:** [Nichol, Eric@DeltaCouncil](mailto:Nichol.Eric@DeltaCouncil); [Interim.Plan@DeltaCouncil](mailto:Interim.Plan@DeltaCouncil)  
**Subject:** PCL's CORRECTED comments on Second Draft Interim Delta Plan  
**Date:** Monday, July 19, 2010 3:08:18 PM

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July 19, 2010

Chairman Phil Isenberg  
Delta Stewardship Council  
650 Capitol Mall  
Sacramento, CA 95814

Dear Chairman Isenberg,

Re: Comments on Second Draft Interim Delta Plan,

The Planning and Conservation League offers these comments on the First Draft Interim Delta Plan.

1. We reiterate the strong recommendation we provided on the First Draft Interim Delta Plan - **give guidance on the meaning of “to provide a more reliable water supply for California.”**

The Interim Plan should state that the Delta Stewardship Council will provide guidance on the definition of “to provide a more reliable water supply for California” in the context of the two co-equal objectives. This is critically important because the Bay Delta Conservation Plan effort intends to have its preferred project identified during the Interim Plan period.

The BDCP rhetoric mirrors the two coequal objectives of SBX7 1. However that bill did not include any definition of “reliable water supplies.” As you know there is no resolution at BDCP on the meaning of that phrase.

The most recent BDCP Notice of Intent (74 Fed. Reg. 7257 (0211 311 0)) added the reference to “full contract amounts,” *...Restore and protect the ability of the/State Water Project and Central Valley Project to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts....*”

PCL and many other stakeholders believe that “to provide a more reliable water supply for California” means an entire suite of activities, both within and outside of the Delta, that will provide greater certainty that sufficient water, efficiently used, will be available for beneficial uses.

As the Second Draft Interim Plan states starting at line 29 of page v, *“Additionally, the Interim Plan will include important organizational and procedural matters that will assist the Council in its role as a responsible agency in development of the environmental impact report (EIR) for BDCP and potentially as an appellate body regarding the DFG determination of whether BDCP has met specified criteria.”*

Therefore The DSC needs to provide this guidance because it has the statutory authority to review and include or not include the BDCP in the final Delta Plan. The DSC needs to

provide up front guidance so that the BDCP's work during this Interim period will lead to a product that can be included in the final Delta Plan.

2. The Interim Plan needs to state its expectation that the **BDCP and the EIR/EIS will fully analyze a full range of conveyance alternatives.**

Section 85320 (b) of Senate Bill X7 1 requires the BDCP to analyze "A reasonable range of Delta conveyance alternatives, including through-Delta, dual conveyance, and isolated conveyance alternatives and including further capacity and design options of a lined canal, an unlined canal, and pipelines." Again, the DSC is responsible for ensuring that this provision has been fully complied with before the BDCP can be incorporated into the Delta Stewardship Plan. In our comments on the first Interim Plan we detailed a dual conveyance alternative with a 3,000 c.f.s. north Delta that must be fully and fairly considered in the analysis.

3. **Finance Plan is essential.** One of the downfalls of CALFED was its unrealistic expectations that billions of dollars would appear to throw at every aspect of the Delta's needs. With the current deep recession it is more important than ever to show how we will pay for these programs. The Delta Plan needs to identify where the money is going to come from to meet the co-equal goal of protecting, restoring and enhancing the Delta ecosystem.

This also relates to the legal requirement that the BDCP Natural Communities Conservation Plan demonstrate assured funding for restoration activities. This will become more challenging if the Water Bond currently scheduled for the November, 2010 ballot is postponed or defeated.

PCL is ready to work with the DSC, the legislature and others to comprehensively address water financing questions including the role of public financing, beneficiaries pay, and decoupling usage from revenue requirements in order to remove the disincentives for conservation.

4. **Flow criteria are foundational.** We appreciate the Second Draft Interim Plan's acknowledgement that, *"The Delta flow criteria developed by the SWRCB under Water Code Section 85086 with contributions of the DFG under Section 85084.5 will be one of the early considerations of Delta water flow. Over time, additional information will be added, including whatever results from the BDCP, plus the additional instream flow studies required by Section 85087."*

5. **Flows have to change to restore the Delta ecosystem.** We also appreciate the recognition that, *"Actions taken to restore the Delta ecosystem are expected to include at least changes in water flows, water quality, and land forms and uses (Sections 85023, 85084.5, 85302(c)(e))."* This reflects the strong scientific consensus developed over the past several decades and most recently presented as part of the State Water Resources Control board's proceeding on the delta flow criteria.

If you have any questions on these recommendations please contact me at [jminton@pcl.org](mailto:jminton@pcl.org), mobile (916) 719-4049.

/s/

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Interim plan comments second draft  
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